

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of:

4 **Cayetano S. Munoz, M.D.,**

5  
6 Holder of License No. 9506  
7 For Practice of Allopathic Medicine  
8 in the State of Arizona.  
Respondent.

Case No. MD-03-0443A

**CONSENT AGREEMENT FOR  
SURRENDER OF LICENSE**

9 **CONSENT AGREEMENT**

10 By mutual agreement and understanding, between the Arizona Medical  
11 Board ("Board") and Cayetano S. Munoz, M.D. ("Respondent"), the parties agreed  
12 to the following disposition of this matter.

13 1. Respondent has read and understands this Consent Agreement and  
14 the stipulated Findings of Fact, Conclusions of Law and Order ("Consent  
15 Agreement"). Respondent acknowledges that he has the right to consult with legal  
16 counsel regarding this matter.

17 2. By entering into this Consent Agreement, Respondent voluntarily  
18 relinquishes any rights to a hearing or judicial review in state or federal court on the  
19 matters alleged, or to challenge this Consent Agreement in its entirety as issued by  
20 the Board, and waives any other cause of action related thereto or arising from said  
21 Consent Agreement.

22 3. This Consent Agreement is not effective until approved by the Board  
23 and signed by its Executive Director.

24

25

1        4.     The Board may adopt this Consent Agreement of any part thereof.  
2 This Consent Agreement, or any part thereof, may be considered in any future  
3 disciplinary action against Respondent.

4        5.     This Consent Agreement does not constitute a dismissal or resolution of  
5 other matters currently pending before the Board, if any, and does not constitute  
6 any waiver, express or implied, of the Board's statutory authority or jurisdiction  
7 regarding any other pending or future investigation, action or proceeding. The  
8 acceptance of this Consent Agreement does not preclude any other agency,  
9 subdivision or officer of this State from instituting other civil or criminal proceedings  
10 with respect to the conduct that is the subject of this Consent Agreement.

11       6.     All admissions made by Respondent are solely for final disposition of this  
12 matter and any subsequent related administrative proceedings or civil litigation  
13 involving the Board and Respondent. Therefore, said admissions by Respondent  
14 are not intended or made for any other use, such as in the context of another state  
15 or federal government regulatory agency proceeding, civil or criminal court  
16 proceeding, in the State of Arizona or any other state or federal court.

17       7.     Upon signing this agreement, and returning this document (or a copy  
18 thereof) to the Board's Executive Director, Respondent may not revoke the  
19 acceptance of the Consent Agreement. Respondent may not make any  
20 modifications to the document. Any modifications to this original document are  
21 ineffective and void unless mutually approved by the parties.

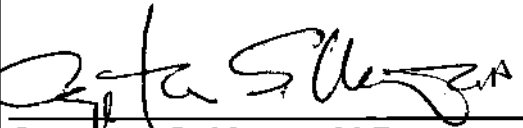
22       8.     If the Board does not adopt this Consent Agreement, Respondent will not  
23 assert as a defense that the Board's consideration of this Consent Agreement  
24 constitutes bias, prejudice, prejudgment or other similar defense.  
25

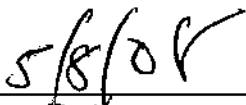
1        9. This Consent Agreement, once approved and signed, is a public record  
2 that will be publicly disseminated as a formal action of the Board and will be  
3 reported to the National Practitioner Data Bank and to the Board's website.

4        10. If any part of the Consent Agreement is later declared void or  
5 otherwise unenforceable, the remainder of the Consent Agreement in its entirety  
6 shall remain in force and effect.

7        11. Any violation of this Consent Agreement constitutes unprofessional  
8 conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolation  
9 of a formal order, probation or stipulation issued by the board") and 32-1451.

10        **12. Respondent has read and understands the condition(s) of**  
11 **probation.**

12  
13  
14   
15 Cayetano S. Munoz, M.D.

16  
17  
18   
19 Date  
20  
21  
22  
23  
24  
25

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and  
3 control of the performance of healthcare tasks in the State of Arizona.

4 2. Respondent is the holder of license number 9506 for the practice of  
5 Allopathic Medicine in the State of Arizona.

6 3. On December 8, 2003, Cayteano S. Munoz, M.D. entered into an  
7 Interim Consent Agreement for practice restrictions due to the Board's serious  
8 concerns regarding Dr. Munoz's competence and cognitive performance. The  
9 Board ordered that he not practice clinical medicine or any medicine involving direct  
10 patient care and prohibited Dr. Munoz from prescribing any form of treatment  
11 including prescription medications.  
12

13 4. On February 17, 2004, the Board issued Dr. Munoz an Interim Order  
14 requiring him to complete the PACE course in anesthesia, or other such courses as  
15 approved by the Board's staff, and to undergo a Neurological Evaluation. The  
16 Interim Order stated no completion date.  
17

18 5. On January 18, 2005, Dr. Munoz was again ordered by the Board to  
19 undergo a Neurological Evaluation.

20 6. Dr. Munoz has not undergone a Neurological Evaluation as mandated  
21 by the Board, nor entered into a course in anesthesia, due to financial restraints.  
22

23 7. Dr. Munoz admits that the above facts constitute unprofessional  
24 conduct for failing to comply with a Board Order.

25 **CONCLUSIONS OF LAW**

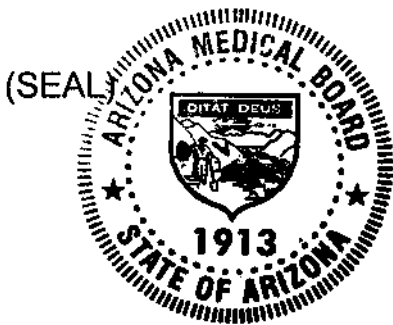
1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1401 *et seq.*

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director[.]").

## ORDER

IT IS HEREBY ORDERED THAT License Number 9506, issued to Cayetano S. Munoz, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered and that Cayetano S. Munoz, M.D. immediately return his wallet card and certificate of licensure to the Board.

DATED AND EFFECTIVE this 5th day of JUNE, 2008.



ARIZONA MEDICAL BOARD

By

Lisa S. Wynn  
Executive Director

ORIGINAL of the foregoing filed this  
5th day of June 2008 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

///

1 EXECUTED COPY of the foregoing mailed  
2 this 5<sup>th</sup> day of June, 2008 to:

3  
4 Cayetano S. Munoz  
5 Address of Record

6   
7 Investigational Review

8 LES05-1210/#191753  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25